IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8243 of 2006

DATED: 24.4.2006

Between:

N.P.Raju petitioner

And

Chairman & Managing Director,

APSRTC, Hyderabad and 2 others Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 8243 of 2006

ORAL ORDER:

The action of the respondents in not extending the exgratia payment consequent to

retirement of the petitioner on medical grounds in terms of amended Regulation 6A(5) of APSRTC Employees Service Regulations, is under challenge in this writ petition.

The petitioner herein while working as Driver in the respondent corporation, made an application requesting the 3rd respondent/Depot Manager to retire him on medical grounds in terms of circular dated 8.10.2003. Thereafter, the petitioner was retired on 10.11.2003 on medical grounds. It is stated that by the date the petitioner retired on medical grounds, the State Government has not extended its sanction to circular dated 8.10.2003, as such the same was not implemented in petitioner's case. Thereafter, the corporation issued circular dated 26.8.2005 implementing the amended regulations 6A(5) of the Regulations and extending better medical facilities to unfit drivers in terms of circular dated 8.10.2003. Thus, the petitioner contends in terms of circular dated 8.10.2003, he is entitled to receive monetary benefits under the said circulars.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent corporation.

The respondent corporation issued circular No.PD-40/2005 dated 26.8.2005 advising the unit officers to implement the amended Regulation 6 A (5) (b) of APSRTC Employees' Service Regulations, 1964. Para 5 of the circular dated 26.8.2005 reads as under;

> "All the Unit Officers are, therefore, advised to implement the amended Reg.6A(5)(b) of "APSRTC Employees' (Service) Regulations,1964" with effect from 8.10.2003 for those Drivers who are found medically unfit and opt for revised Additional Monetary Benefit in lieu of alternative employment. The employee shall give his option in the prescribed proforma, as at Annexure-A."

Thus, the scheme of providing Additional Monetary Benefit to the medically unfit drivers is implemented with effect from 8.10.2003. However, in the present case, there is no attempt made by the petitioner seeking extension of such benefit nor his claim was rejected by the authorities as on date. The petitioner merely contends that the said scheme is being extended to only those persons who have approached the Court and obtained favourable orders. In the absence of a request made by the

petitioner to extend a particular benefit and denial of the same by the respondent corporation, it cannot be said that a person is deprived of said benefits. Hence, the writ petitioner is directed to make a representation to the respondents to extend the benefits under circular dated 26.8.2005 and on receipt of such a representation, the respondents are directed to consider and dispose of the same in accordance with law.

Subject to above direction, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 24.4.2006

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THE HON'BLE MR JUSTICE N.V. RAMANA

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